

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

In re:

ROBERT WILLIAM LOULIES
dba BD LOULIES, INC.

and

DEBORAH MARIE LOULIES
dba BD LOULIES, INC.

Case No. 19-70059-FJS
Chapter 7

Debtors-in-Possession.

U.S. BANK NATIONAL ASSOCIATION,
as Trustee for SPECIALTY UNDERWRITING
AND RESIDENTIAL FINANCE TRUST
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2006-AB3,

Movant,

vs.

ROBERT WILLIAM LOULIES

and

DEBORAH MARIE LOULIES

Respondents.

DEBTORS' RESPONSE TO MOTION FOR RELIEF (Docket Entry #16)

COMES NOW the Debtors-in-Possession, Robert William Loulies and Deborah Marie Loulies (collectively, the "Debtors"), by counsel, and hereby respectfully submit the following as their response to the Motion for Relief from Stay (Docket Entry #16) filed by U.S. Bank National

Joseph T. Liberatore, VSB No. 32302
Crowley, Liberatore & Ryan, P.C.
150 Boush Street, Ste. 300
Norfolk, VA 23510
Telephone: (757) 333-4500
Facsimile: (757) 333-4501
Counsel for the Debtors

Association, as Trustee for Specialty Underwriting and Residential Finance Trust Mortgage Loan Asset – Backed Certificates, Series 2006-AB3 (“U.S. Bank”).

1. The Debtors admit the allegations contained in Paragraph One of the Motion for Relief from Stay filed by U.S. Bank.

2. With respect to Paragraph Two of the Motion for Relief from Stay filed by U.S. Bank, the Debtors deny the allegations to the extent that such allegations include interest, attorney’s fees, late fees, and penalties which exceed and/or contradict the terms of the contract or are unenforceable pursuant to applicable law.

3. With respect to Paragraph Three of the Motion for Relief from Stay filed by U.S. Bank, the Debtors admit the allegations contained in Paragraph Three of the Motion for Relief from Stay filed by U.S. Bank to the extent that the Debtors have certain obligations to a certain party or parties under an alleged promissory note for which the original documents appear to be similar to the documents asserted as exhibits to the Motion, but denies the remainder of the allegations contained therein including and especially as to the exact dollar amount of liability. The Debtors further deny that U.S. Bank is entitled to relief from the automatic stay.

4. The Debtors admit the allegations contained in Paragraph Four of the Motion for Relief from Stay filed by U.S. Bank.

5. While the Debtors admit that there has been some lapse in the payment of the alleged obligation owed to U.S. Bank, the Debtors deny the amount of the balance currently due is \$161,506.40 and demand strict proof thereof.

6. This paragraph contains a legal conclusion to which no response is required.

7. Since the filing of their Petition, the Debtors were invited by their primarily mortgage lender, Mr. Cooper to contact Mr. Cooper’s Home Retention Department, and have

submitted an application for loan modification. Additionally, per U.S. Bank's directive (during the process of submitting their loan modification application to U.S. Bank), the Debtors provided U.S. Bank with a copy of their loan modification application documents that they previously submitted to Mr. Cooper. Upon acceptance, the Debtors intend to seek subsequent approval from this Court to restructure and satisfy the obligations owed to Mr. Cooper, and to U.S. Bank pursuant to its purported, second position deed of trust. If the loan modification applications are not accepted, the Debtors have conveyed to U.S. Bank that they will consent to relief and cooperate with U.S. Bank's (and Mr. Cooper's) efforts to sell the property.

8. U.S. Bank will not be harmed by providing the Debtors with 60 to 90 days to allow Mr. Cooper's and U.S. Bank's respective home retention departments to make a final determination as to the Debtors' loan modification applications.

WHEREFORE, the Debtors pray that this Court deny the Motion for Relief from Stay filed by U.S. Bank, or condition relief upon allowing the Debtors the opportunity to secure a modification of the terms and obligations owed to U.S. Bank, and for such other and further relief as this Court deems just.

Date: March 4, 2019

ROBERT WILLIAM LOULIES
DEBORAH MARIE LOULIES

By: /s/ Joseph T. Liberatore
Joseph T. Liberatore

Joseph T. Liberatore, VSB No. 32302
Crowley, Liberatore & Ryan, P.C.
150 Boush Street, Ste. 300
Norfolk, VA 23510
Telephone: (757) 333-4500
Facsimile: (757) 333-4501
Counsel for the Debtors

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2019, a true copy of the foregoing Response was mailed via first class mail, postage prepaid to the following parties and/or sent via ECF Notice:

David A. Rosen, Esq.
RAS CRANE, LLC
11900 Parklawn Drive, Suite 310
Rockville, MD 20852

Tom C. Smith, Jr., Esq.
P.O. Box 1506
Virginia Beach, VA 23451

John P. Fitzgerald, III
Office of the U.S. Trustee, Region 4 -N
200 Granby Street, Room 625
Norfolk, VA 23510

/s/ Joseph T. Liberatore

Joseph T. Liberatore